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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/601,868 08/09/00 TSUJINO

MY  
Y H4898PCT/U

EXAMINER

IM52/0828

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PURI, A	
ART UNIT	PAPER NUMBER

1751  
DATE MAILED:

4  
08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/601,868

Applicant(s)

TSUJINO ET AL.

Examiner

ANIL K PURI

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

Claims 1-9 are pending in this application.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mockli et al [U.S.5,708,151]

Mockli teaches novel cationic imidazole azo dyes to process and use for dyeing textile materials and in particular paper and to intermediates suitable for the synthesis of these dyes.(see col.1 lines 1-6)

Mockli teaches structurally analogous compound (see formula 1,2, 3 and 4) where A and A1 an aromatic benzene ring and represented by formula 4 (see col.1 lines 15-29) also A has quaternary nitrogen, Z is the radical of an aliphatic or aromatic diamine R1 and R2 independently of one another are each hydrogen or substituted or unsubstituted C1-C4 alkyl or together with the two nitrogen atoms to which they are attached and with Z form a 5,6,7 member ring. X is the radical of a bridging member n=2,3,4, R3 AND R4 independently of one another are each hydrogen or substituted or unsubstituted C1-C4 alkyl. R5 and R6 independently of one another are each hydrogen or substituted or unsubstituted C1-C4 alkyl or C1-C4 alkoxy and An- is an anion.

When in the formula (I) in instant claim invention Z is nitrogen atom or CH-, A and B aromatic benzene ring which may be substituted with one or more halogen atom or one or more of NR1 or OR1 group where R1 and R2 are the same or different represent hydrogen.

Nothing unobvious is seen in substituting the claimed analogs taught by Mockli for structurally related compounds suggest one another and would be expected to share common properties absent a showing of unexpected results.

Mockli also teaches amount of the formula 3 and 4 in composition is 8-30% as claimed in claim3(see col.8 lines 59-63)

Claims 5-9 are drawn to method of dyeing for paper and textile material composition. The prior art on col.8 page 48-58.

Claim 4 is drawn to kit or device for dyeing fabrics which comprising oxidative fixing solution and a cationic dye solution. Therefore a person having ordinary skill in the art would be motivated to select the known ingredients of kit which would have been obvious.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANIL K PURI whose telephone number is 703/605-4427. The examiner can normally be reached on 8:30 AM TO 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703)-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are

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703/305-3599 for regular communications and 703/305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-0661.

AKP  
August 27, 2001

  
Mark Kopec  
Primary Examiner